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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,350	01/08/1999	SATOSHI NISHIUMI	723-680	8423

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EXAMINER

LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/227,350

Applicant(s)

NISHIUMI ET AL.

Examiner

David L Lewis

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 17-22 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 17-22 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14, 15, 17, 18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 11, 13,14, 17-22, 25-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrido (5451053) in view of Ho (5259626), Marcus (5643087) and Ishiwata (4870389).**

2. **As in claim 11, Garrido teaches for use with a video game system console having a game program executing processing system for executing said video game program to create a display, column 1 lines 6-29, column 6 lines 4-36, and a portable storage device having a memory for storing video game instructions including instructions for causing said game program executing processing system to display a player controlled object and for causing said player controlled object to move at various different speeds, column 1 lines 6-29, column 6 lines 4-36, a player controller comprising: a joystick control member, figure 1 item 50; detecting circuitry for generating joystick data indicative of the amount of joystick angular inclination and inclined direction, column 1 lines 20-28, column 5 lines 55-68; processing circuitry for**

Art Unit: 2673

responding to a command from said game program executing processing system, whereby said game program executing processing system is operable to determine the direction and speed for said player controlled object, **column 5 lines 55-68, column 6 lines 20-36**. Said video game controller as taught by Garrido for use within a video game system is a reconfigurable video game controller with all the advantages of the prior art, column 1 lines 45-56, wherein cartridge means includes circuitry and is used for modifying and directing existing action signals from a game console program executing processing system as well as generating additional unique action signals for use by the video game system. **However Garrido is silent on the specific features of his invention known the art and inherent to its teaching such as said console, two way communication between said controller and console, speed inclination, and 3D video game application detail.** While these are inherent features to Garrido they are not discussed because they represent the known prior art which Garrido advances on. **Ho, figure 1 items 100 and 10**, teaches the specifics of the known video game consoles mentioned by **Garrido**, column 1 lines 6-29, column 6 lines 4-36. **Ho teaches** of two way communication between the game console and controller, figure 2 item 102a, column 2 lines 55-68, that is inherent to the system of Garrido, which is an improvement on a typical video game system known in the art. **Marcus et al. teaches navigating** in three dimensional environments is known with video game controllers is known, column 2 lines 20-52. Garrido's references video game controllers as known in the art is inclusive of Marcus et al's three dimensional environment, a known configuration of video games. **Ishiwata et al. further supports** said known speed

Art Unit: 2673

features found in game controllers, column 2 lines 50-55, wherein speed is adjusted by joystick inclination. Wherein Ho, Marcus and Ishiwata teach and support what is implied and taught within the four corners of the Garrido reference, and would have been obvious to the skilled artisan at the time of the invention as inherent detail inclusive to the teaching of Garrido, as found in claim 11.

3. **As in claims 19 and 27, Garrido in view of Ho, Marcus and Ishiwata teaches of the invention as applied to claim 11 above, and further, Ho teaches of a memory media for storing video game instructions and graphics data, figure 1 item 101; a connector for coupling said video game instructions and said graphics data from said memory media to said video game system console, figure 1 items 100 and 101 (memory slot), and video instructions sent to a joystick indicative of input, figure 2 item 102, column 2 lines 55-68, wherein two way communication is taught, as does Marcus, column 3 lines 35-39, column 4 lines 5-15.**

4. **As in claims 13 and 14, Garrido teaches of a removable expansion device having a data bus coupled thereto including memory, figure 1 items 80 and 30, column 6 lines 23-36, column 8 lines 57-68. As in claims 17 and 25, Garrido teaches of wherein said detection circuitry has a first and second counter indicative of a joystick inclination in a first and second axis, column 1 lines 20-28, column 5 lines 60-68, said features are inherent as is known and taught by Marcus et al., column 4 lines 22-36. As in claims 18 and 26, Garrido teaches of wherein instructions in said portable storage**

Art Unit: 2673

device memory control said game in acceleration modes, column 6 lines 20-22, column 6 lines 29-32, column 6 lines 61-68, wherein supplemental speed controls buttons can be inherent to video game design in both modes, further wherein as is known, Ishiwata teaches of said speed control, column 2 lines 34-61, column 4 lines 22-38. **As in claims 20-22, Garrido teaches of** said removable expansion device, figure 1 item 80, column 6 line 23-36. **As in claim 30 and 31 Garrido teaches** wherein instructions in said memory media control said game program executing processing system to output a command to the controller, column 6 lines 23-36, column 8 lines 60-65, wherein said customizing cartridge includes circuitry and memory means for controlling a video game by modifying action signals provided by the joystick controller.

5. **As in claims 29, 32, and 33,** Garrido in view of Ho, Marcus, and Ishiwata teaches of the invention as applied to claim 27. Further the distinctive motion characteristic being maximum speed, calculating the moving speed in response to joystick inclination, and comparative speeds in relation to a previous frame, are well known in art of video game systems and would have been obvious to the skilled artisan. Said video game controller as taught by Garrido for use within a video game system is a reconfigurable video game controller with all the advantages of the prior art, column 1 lines 45-56. Video games incorporating speed control into the controller joystick as well as controller action buttons are well known as sited in the prior art of record, as sited by Garrido, column 1 lines 20-30, column 5 lines 55-68, column 6 lines 20-22. Said max speed control is inherent to a system having variable speed. As argued above both

Art Unit: 2673

Garrido and Ishiwata et al. teaches of said variable speed systems. Calculating a moving speed in response to joystick inclination is a function of moving the cursor as discussed by Ishiwata, column 4 lines 20-38. Having comparative speeds in relation to a previous frame is inherent to providing a moving cursor as discussed by Ishiwata, whereby. Therefore said features are within the general teaching of Garrido as supported by Ho, Marcus, and Ishiwata for the above reasons.

6. Claims 12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrido (5451053) in view of Ho (5259626), Marcus (5643087) , Ishiwata (4870389), and Reed et al. (5577735).

7. As in claims 12 and 28, Garrido in view of Ho, Marcus, and Ishiwata teaches of the invention as applied to claims 11 and 27 above. However Garrido is silent as to said well known joystick selection of player controlled objects for game play. Reed et al. teaches of said well known joystick selection of player controlled objects for game play, column 6 lines 33-34. It would have been obvious to the skilled artisan to utilize said joystick selection means as taught by Reed et al., given its well known application for selection in video games, in addition to the fact that said joystick serves as the primary data input means for controller video game input, making it the obvious player controlled selection tool of choice.

Response to Arguments

8. Applicant's arguments with respect to claims 11-14, 17-22, and 25-233 have been considered but are moot in view of the new ground(s) of rejection. Applicants invention is obviously unpatentable over Garrido in view of Ho, Marcus, Ishiwata, and Reed. The Examiner has changed the position taken in the interview summary filed on 8/3/2000. Garrido has support for a two way communication between the joystick controller and game console in view of Ho, who's invention represents a known system both incorporated and improved on by Garrido. The Applicant claims features that would have been obvious to the skilled artisan in view of Garrido and the aforementioned prior art. The Examiner apologizes for the long delay in response to the previously filed interview summary and will push for a speedy prosecution concerning the disposition of the case. The Examiner acknowledges the IDS filed on 3/31/2000, 4/7/2000, 8/4/2000, and 5/15/2001.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(703) 306-3026**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on (703) 305-4938. Any inquiry of a general nature or

Art Unit: 2673

relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

November 21, 2004



BIPIN SHALWALA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600